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IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

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IN RE:

RICK SIMMONS,

Debtor.

Bankruptcy No. 14-31041

Chapter 13

Honorable William T. Thurman

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MOTION TO ALLOW A PROOF OF CLAIM FOR POST-PETITION TAX LIABILITY  
PURSUANT TO 11 U.S.C. § 1305(a)(1)

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The Debtors, above-named, by and through Counsel, Stephen M. Enderton, hereby moves this Court to allow, pursuant to 11 U.S.C. § 1305(a)(1), post-petition tax debt for 2014 owed to the Internal Revenue Service (hereinafter “IRS”) and as grounds states as follows:

1. Debtors are seeking to allow the post-petition tax debt for 2014 to the IRS pursuant to 11 U.S.C. § 1305(a)(1).
2. The Debtors filed their 2014 income tax returns in which they owed \$2,295.00 to the IRS.
3. The Internal Revenue Service has filed an amended proof of claims which include the amounts owed for 2014.
4. The claims review process required by paragraph number 7(a) of the Order Confirming Debtors’ Chapter 13 Plan Following Contested Confirmation Hearing has not been completed. Therefore, feasibility cannot be determined at this time. The issue of feasibility should be reserved until the claims review process required pursuant to paragraph numbers 24 of the Order Confirming Debtors’ Chapter 13 Plan Following Contested Confirmation Hearing has been completed.

THEREFORE, the Debtors pray that the Court modify the Order Confirming Debtors' Chapter 13 Plan Following Contested Confirmation Hearing such that the plan include the 2014 tax debts to IRS pursuant to the filed amended Proofs of Claim. Further, Debtors' attorney hereby provides notice to all interested parties that he will seek fees of up to \$700.00 pursuant to an Application for Fees that will be filed with the Court and will be available for inspection by interested parties at the office of the Clerk of the Court.

DATED this 17th day of September, 2015.

/s/  
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Stephen M. Enderton, for  
*Enderton & Matherws, LLC*